

A Review of the Rangewide Regulations Pertaining to Diamondback terrapins (*Malaclemys terrapin*)

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Seventeen years ago, Donnelly et al (1988) compiled a summary of regulations pertaining to diamondback terrapins throughout their range. This compilation was never formally published but was widely circulated within the relatively small community of individuals interested in terrapin conservation. Since then, a number of states have modified their terrapin regulations, and an updated and more comprehensive survey of terrapin regulations seems in order. Existing state regulations reflect a widely varying degree of concern about diamondback terrapin conservation. The regulatory status of terrapins varies greatly (State Endangered, State Threatened, Special Concern, Game Animal, no listing). On a federal level, terrapins are not afforded any formal listing or protection. Adjacent states within the range of a specific subspecies sometimes give terrapins different regulatory status listings and manage terrapins with significantly different regulations. It would make sense to coordinate regulatory efforts at least on a regional basis in order to provide more effective protection for this species.

MASSACHUSETTS

STATUS

Threatened (State Listed)

REGULATIONS

From 321 CMR 3.00, 3.05 Hunting, Fishing, Trapping and Taking of Reptiles and Amphibians in all the Counties of Massachusetts:

“(3) No person shall disturb or harass or, except as authorized in a special educational or scientific permit from the Director, shall hunt, fish, trap or take by any means any of the following species or their eggs or young...

(m) Diamondback terrapin (*Malaclemys terrapin*)...”

RHODE ISLAND

STATUS

Endangered (State Listed)

REGULATIONS

From the Rhode Island State Endangered Species Act, Title 20 of the General Laws of the State of Rhode Island (20-37-3):

“No person shall buy, sell, offer for sale, store, transport, export, or otherwise traffic in any animal or plant or any part of any animal or plant whether living or dead, processed, manufactured, preserved or raw if such animal or plant has been declared to be an endangered species by either the United States secretaries of the Interior or Commerce or the Director of the R.I. Department of Environmental Management. The only exception to these prohibitions shall be for purposes of scientific research or educational display either of which must be done by or under the formal supervision of a legitimate college or university and then only upon the issuance of a special permit for each individual excepted species. The permit may be issued by the director of environmental management. The permit will be denied by the director, if in his or her opinion issuance of the permit would not be entirely justified or entirely in the best interests of preservation and protection of the species involved. Under no circumstances will a permit be granted for exception if commercial considerations are involved in any way.”

CONNECTICUT

STATUS

State Regulated Species

REGULATIONS

From the State of Connecticut Department of Environmental Protection, Section 26-66-14. Seasons, bag limits and methods for taking reptiles (effective May 29, 1998):

“(C.) The open season for taking diamondback terrapins, (*Malaclemys terrapin*), shall be from August 1 through April 30. During the open season only diamondback terrapins having a straight line upper shell length between four and seven inches inclusive shall be taken. Diamondback terrapins may only be taken by hand, with a dip net, a seine or net or by traps that insure the turtles will be captured alive. The possession limit shall not exceed five (5) of this species, regardless of where taken. There shall be no open season for taking eggs of this species.”

NEW YORK

STATUS

No Official Listing. Removed from Species of Special Concern list in 1999.

REGULATIONS

From New York State Department of Environmental Conservation, Environmental Conservation Rules and Regulations, Chapter 1:

Section 3.1 Protection of the Diamondback Terrapin

(Statutory authority for 6 NYCRR Chapter 1 Part 3: Environmental Conservation Law, §§ 3-0301, 11-0303, 11-0311)

(The below is Section 3.1 as amended effective January 31, 1990)

“(a) Purpose. The purpose of this section is to provide protection for the diamondback terrapin, "Malaclemys terrapin", including all of its subspecies. Protective measures include the establishment of a closed season, requirement for a license to take diamondback terrapin from the wild, establishment of size limits and restrictions on the sale of diamondback terrapin.

(b) Open season. Diamondback terrapin may be taken from August 1 to April 30 inclusive.

(c) Regulations.

(1) The following are prohibited:

- (i) taking, attempting to take, or assisting in taking diamondback terrapin except during the open season. Possession of a diamondback terrapin on the waters or shores of New York State during the closed season shall be presumptive evidence that the diamondback terrapin was taken during such closed season;
- (ii) taking, attempting to take, or assisting in taking, of diamondback terrapins without a license;
- (iii) taking or possessing at any time while on the waters or shores of New York State a diamondback terrapin which has a straight line upper shell length less than four inches or greater than seven inches;
- (iv) purchase or sale of diamondback terrapin which has a straight line upper shell length less than four inches or greater than seven inches. As used in this section, "sale" means any delivery or transfer of a live diamondback terrapin or the flesh of a diamondback terrapin whether for a consideration or as a gift. As used in this section, "sale" includes offering for sale or possession with intent to sell;
- (v) sale of diamondback terrapin from May 5 to July 31 inclusive except that diamondback terrapin legally taken during the open season may be sold throughout the year if they were killed and processed for consumption prior to May 5;
- (vi) taking diamondback terrapin except by the following methods:
 - (a) dip nets,
 - (b) hand capture,
 - (c) seine nets as authorized by Section 13-0343 of the Environmental Conservation Law, and
 - (d) traps capable of capturing diamondback terrapin alive.

Each trap must be marked with a tag bearing the name and address of the licensee and must be checked daily;
- (vii) willfully taking, destroying or disturbing in any manner the eggs or nest of a diamondback terrapin in the wild;
- (viii) failing to immediately release at the point of capture diamondback terrapin which are caught accidentally or incidentally, or which are not within the legal size limits; and
- (ix) liberating diamondback terrapin to the wild, except immediately upon, and only at the point of, capture, without authorization by the department.

(d) License.

(1) A valid diamondback terrapin license is required to take diamondback terrapin.

(2) Application for, and purchase of, a diamondback terrapin license may be made by mail or in person at the NYS Department of Environmental Conservation, SUNY Building 40, Stony Brook, NY 11794. The fee for such license shall be ten dollars and such license shall be in effect from July 1st through the following June 30th.

(e) General provisions. The general provisions of the Environmental Conservation Law are applicable to the taking of diamondback terrapin.”

NEW JERSEY

STATUS

Species of Special Concern and Game Species

REGULATIONS

N.J. Regulations, Possession of Nongame & Exotic Wildlife, Subchapter 4. Nongame and Exotic Wildlife, 7:25-4.2 Permit required:

“(a) Except as hereinafter provided, no person shall possess any nongame species or exotic species of any mammal, bird, reptile or amphibian unless such person has first received both the appropriate permit from the Department as listed in N.J.A.C. 7:25-4.6(a) as well as any other state, municipal, or Federal permits or licenses which may be required to possess such species. Any permit issued to an applicant by the Department for the possession of any animal shall not exempt that applicant from compliance with any other law of the State of New Jersey or any municipal or federal law... (b) No person shall liberate within this state any nongame species or exotic mammal, bird, reptile, or amphibian unless such person has first received a permit from the Department, which explicitly allows the release of nongame species or exotic mammals, birds, reptiles or amphibians.”

N.J. Regulations, Subchapter 21. Terrapin Regulations:

“Subchapter historical note. Subchapter 21, Terrapin Regulations, was adopted as R1981 d.198, effective July 9, 1981. See: 13 N.J.R. 405(a).

7:25-21.2 Designation of terrapin season

No person shall take, catch, possess, expose for sale or attempt to catch or take any *Malaclemys palustris*, commonly known as diamondback terrapin, except between November 1 and March 31.

7:25-21.2 Taking of terrapin

No person shall catch, take, or attempt to catch or take any terrapin from any of the waters of this state by means of a trap, pot, fyke, seine, weir or net of any description.

7:25-21.3 Size requirement

No person shall take, catch or possess any terrapin less than five inches long, measured lengthwise along the shell, not take or destroy eggs of any terrapin.”

Terrapin Excluder Device Regulations (Adopted 1998)

“All commercial style crab pots set in any body of water less than 150-feet wide at low tide or in any man-made lagoon MUST include diamondback terrapin turtle excluder devices. In addition, all commercial style crab pots set in any body of water must include biodegradable panels. Terrapin excluder devices must be rectangular or diamond-shaped and no larger than two inches high by six inches wide. The device must be securely fastened inside the funnel entrance to reduce the opening to no larger than the above size.

Biodegradable panels must be oval or rectangular-shaped, measure at least eight inches wide by five inches high, be located in the upper section of the crab pot, and remain in position to allow for the eventual and unobstructed escape of crabs and other marine organisms should the crab pot be lost or abandoned. The panel may be constructed of, or fastened to the pot, with one of the following materials: wood lath, cotton hemp, sisal or jute twine not greater than 3/16-inch in diameter, or non-stainless, uncoated ferrous metal not greater than 3/32-inch in diameter. The door or a side panel of the pot may serve as the biodegradable panel ONLY if it is fastened to the pot with any of the material specified above.”

DELAWARE

STATUS

Species of State Concern; state listed as SU (“Species status uncertain within the state. Usually an uncommon species which is believed to be of conservation concern but there is inadequate data to determine degree of rarity.”) and Regulated Game Species

REGULATIONS

From Wildlife and Non-tidal Fishing Regulations (effective date: June 12, 2000):

“WR-4. Section 16. Terrapin.

(a) *Season.* – It shall be unlawful for any person to hunt for diamondback terrapin during any period of the year, except between and including September 1 and November 15.

(b) *Limit.* – It shall be unlawful for any person to take more than four (4) diamondback terrapin in any one day.

From Delaware Code, Title 7, Conservation, Part I, Game Wildlife and Dogs, Chapter 7. Regulations and Prohibitions Concerning Game and Fish, Subchapter V. Terrapin:

§ 781. Taking or destroying terrapin eggs; penalty.

Whoever takes or destroys any terrapin eggs found, or collected, on or near the shore of any bay, river or stream in this State, where the water is salt, or upon any salt marsh, or beach, shall be guilty of a class D environmental misdemeanor. Anyone having possession of such eggs shall be deemed to have taken them there, unless that person proves the contrary. (Code 1852, § 969; 12 Del. Laws, c. 329, § 9; 14 Del. Laws, c. 422, § 9; Code 1915, § 2490; Code 1935, § 2970; 7 Del. C. 1953, § 781; 70 Del. Laws, c. 186, § 1; 70 Del. Laws, c. 275, § 91.)

§ 782. Reserved.

§ 783. Same -- Use of dredges to take terrapin; penalty.

Whoever uses any dredge for the purpose of catching or taking terrapin in the Indian River or Rehoboth Bay, or waters adjacent thereto, shall be guilty of a class D environmental misdemeanor for each offense. (13 Del. Laws, c. 435, § 1; 14 Del. Laws, c. 420, § 1; 16 Del. Laws, c. 310, § 1; Code 1915, § 2491; Code 1935, § 2971; 7 Del. C. 1953, § 783; 70 Del. Laws, c. 275, § 93.)

§ 784. Terrapin raised in private ponds.

Nothing contained in this subchapter shall prevent any person from raising terrapin in a private pond. (24 Del. Laws, c. 151, § 1; 27 Del. Laws, c. 150; Code 1915, § 2492; Code 1935, § 2972; 7 Del. C. 1953, § 784; 70 Del. Laws, c. 275, §§ 95, 96.)”

Non-Commercial Crab Pot Requirements (effective May 10, 2001):

“It shall be unlawful for the owner of any non-commercial crab pot to place said crab pot in the tidal waters of this State unless said crab pot has a by catch reduction device securely attached in each entrance such that each crab entering said crab pot must pass through the by catch reduction device. The by catch reduction device shall mean a metal or plastic rigid rectangle that measures on the inside no more than 1.75 inches in height by 4.75 inches in width. A by catch reduction device made of metal wire shall be no less than 11 gauge rigid wire.”

MARYLAND

STATUS

Listed as an S4 species (“Apparently secure in Maryland with typically more than 100 occurrences in the State or may have fewer occurrences if they contain large numbers of individuals. It is apparently secure under present conditions, although it may be restricted to only a portion of the State.”) Under review for listing on State’s Threatened and Endangered Species List.

REGULATIONS

From Annotated Code of Maryland, Title 8, Department of Natural Resources, Subtitle 2, Tidewater Administration, Chapter 6, Terrapin and Snapping Turtles (last amendment April 13, 1992):

“.02. Terrapin.

A. Size. A person may not catch or possess a diamondback terrapin, whether it was caught within the State or within any other state, territory, or country, that is less than 6 inches in length measured along the bottom of the shell.

B. Eggs. A person may not possess, destroy, or disturb in any manner diamondback terrapin eggs.

C. Season. A person may not take or possess diamondback terrapin during May 1 through July 31.

D. Pets. The provisions of this regulation relating to size do not apply to a person who owns not more than three diamondback terrapins kept as pets.”

Crab Pot Bycatch Reduction Device Regulations (effective: April 1, 1999)

“A crab pot set in Maryland waters for noncommercial purposes from private piers or shoreline property must have a Bycatch Reduction Device attached to each entrance or funnel in the lower chamber constructed of metal wire or plastic, rectangular in shape and with interior dimensions which do not exceed 1 ¾ inches in height and 4 ¾ inches in length.”

VIRGINIA

STATUS

State listed as S4 (“Common and apparently secure in Virginia, although may be rare in parts of its range.”) Listed on the Natural Heritage Vertebrate Watchlist.

REGULATIONS

From Virginia Department of Game and Inland Fisheries, Regulations and Licenses, Virginia Freshwater Fishing Regulations, Nongame Fish, Reptile, Amphibian, and Aquatic Invertebrate Regulations:

General:

It shall be unlawful to take, possess, import, cause to be imported, export, cause to be exported, buy, sell, offer for sale or liberate within the Commonwealth any wild animal unless otherwise specifically permitted by law or regulation...

Native and Naturalized Species—Possession Limits: ...
Amphibians and Reptiles—5 ...

Taking turtles by hook and line requires a fishing license.

Native and Naturalized Species—Methods to Capture or Take

General Methods:

Except as provided for under "Other Methods" (see below) and except in any waters where the use of nets is prohibited, the species listed in the previous section (Native and Naturalized Species—Possession Limits) may only be taken by hand, hook and line, with a seine not exceeding 4 feet in depth by 10 feet in length, an umbrella type net not exceeding 5 by 5 feet square, small minnow traps with throat openings no larger than 1 inch in diameter, cast nets, and handheld bow nets with diameter not to exceed 20 inches and handle length not to exceed 8 feet. Bullfrogs may also be taken by gigging or bow and arrow and from private waters by firearms no larger than .22 caliber rimfire.

Other Methods:

Trot Lines, juglines or set poles may be used to take nongame fish and turtles provided they are not baited with live bait (worms are permissible), except on waters stocked with trout and within 600 feet of any dam. Live bait other than game fish may be used on trot lines to take catfish in Carroll, Dickenson, Giles, Grayson, Montgomery, Pulaski and Wythe counties, and in the Clinch River, in Russell, Scott and Wise counties.

Any person setting or possessing the above equipment shall have it clearly marked by permanent means with his or her name, address, and telephone number, and is required to check all lines and remove all fish and animals caught each day.”

NORTH CAROLINA

STATUS

Species of Special Concern; State Listed S3 (“Rare or uncommon in North Carolina”).

REGULATIONS

From General Assembly of North Carolina, Senate Bill 825, An Act to Authorize the Wildlife Resources Commission to Protect Certain Reptiles and Amphibians that Require Conservation Measures, Section 2 (effective July 1, 2003):

“The commercial taking of any turtle or terrapin within any of the species of turtles and terrapins in the families Emydidae and Trionychidae that are the large basking and sliding turtles and terrapins is prohibited until such time as the Wildlife Resources Commission adopts rules to regulate the taking of turtles or terrapins within these two families of reptiles. For the purposes of this section, "commercial taking" is defined as the taking, possession, collection, transportation, purchase or sale of five or more individual turtles or terrapins from either of the two families of reptiles described in this section. Any person who violates this section is guilty of a misdemeanor and is punishable as provided in G.S. 113-135. This section shall not apply to a licensed veterinarian; to a bona fide zoo operated by the federal government, the State, or a unit of local government; or to bona fide scientific, biological, medical, or veterinary education or research.”

SOUTH CAROLINA

STATUS

No official listing.

REGULATIONS

From Title 50-Fish, Game and Watercraft, Chapter 5, South Carolina Marine Resources Act of 2000 Article 1. General Provisions:

Section 50-5-2300. Permits to harvest and market diamondback terrapin; penalty.

(A) The department (DNR) may grant permits for the harvest and marketing of diamond-back terrapin and condition the permits to set seasons, size limits, bag limits, areas, fishing times, and equipment restrictions regarding the harvest of diamond-back terrapin. It is unlawful to take diamond-back terrapin except in accordance with the permits granted by the department. Nothing in this section will prohibit incidental take of terrapin by persons engaged in another lawful fishery during closed season when the terrapin are returned immediately to the water.

(B) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty-five dollars nor more than five hundred dollars or imprisoned for not more than thirty days.

GEORGIA

STATUS

Special Concern Animal; state listed as a S3 Species (“Rare or uncommon in state {on the order of 21 to 100 occurrences}”).

REGULATIONS

Administrative Rules and Regulations of the State of Georgia (Current through 2003 Regular Session of the General Assembly)

“27-1-28.

(a) Except as otherwise provided by law, rule, or regulation, it shall be unlawful to hunt, trap, fish, take, possess, or transport any nongame species of wildlife, except that the following species may be taken by any method except those specifically prohibited by law or regulation: (1) Rats; (2) Mice; (3) Coyotes; (4) Armadillos; (5) Groundhogs; (6) Beaver; (7) Fresh-water turtles; (8) Poisonous snakes; (9) Frogs; (10) Spring lizards; (11) Fiddler crabs; (12) Fresh-water crayfish; (13) Fresh-water mussels; and (14) Nutria.

(b) The nongame species enumerated in subsection (a) of this Code section may be taken by any method except those specifically prohibited by law or regulation.

(c) Nothing in this Code section shall be construed to authorize the taking of any species which is protected under the federal Endangered Species Act of 1973, P.L. 93-205, as amended, or under any state law which has as its purpose the protection of endangered or threatened species.

27-4-116.

(a) It shall be unlawful for any person to take, capture, or kill diamondback terrapins within this state with any device except nets, commonly called gill nets, with a mesh the size of 5 1/2 inches stretched mesh. It shall also be unlawful to kill diamondback terrapins within this state between April 1 and August 1 of each year.

(b) It shall be unlawful for any person to take, capture, or kill any diamondback terrapins in any waters in this state for commercial purposes without first obtaining a commercial fishing license, as provided in Code Section 27-2-23.

(c) It shall be unlawful to use any boat or vessel in taking diamondback terrapins for commercial purposes unless the boat or vessel is properly licensed as provided in Code Section 27-2-8.”

“The following list of species native to Georgia may not be held as a pet regardless of its origin or morphology...diamondback terrapin...”

FLORIDA

STATUS

No official listing.

REGULATIONS

From Florida Fish and Wildlife Conservation Commission, Wildlife Regulations, 68A-25.002(9) Florida Administrative Code:

“Wildlife regulations allow turtles to be taken manually or by baited hooks, bow, dip nets, traps so designed that any freshwater fish taken therein may escape, or by spearing only during daylight hours. They prohibit bucket traps, snares, and shooting with firearms for taking turtles. No person shall buy, sell, or possess for sale any...diamondback terrapin... or parts thereof. No person shall possess more than two...diamondback terrapins...unless authorized by permit from the Executive Director...no person shall possess more than 50 eggs taken from the wild in the aggregate of species of freshwater turtle native to Florida except as authorized by permit from the Executive Director.”

ALABAMA

STATUS

Species of Special Concern/ Protected Species

REGULATIONS

From: Alabama Wildlife and Freshwater Fisheries, 220-2-.92 Nongame Species Regulation:

“(1) It shall be unlawful to take, capture, kill, or attempt to take, capture or kill, possess, sell, trade for anything of monetary value, or offer to sell or trade for anything of monetary value, the following nongame wildlife species (or any parts or reproductive products of such species) without a scientific collection permit or written permit from the Commissioner, Department of Conservation and Natural Resources, which shall specifically state what the permittee may do with regard to said species:

...(c) Reptiles...Terrapin, Mississippi Diamondback (*Malaclemys terrapin pileata*).”

MISSISSIPPI

STATUS

Species of Special Concern; state listed as a S2 Species (“Imperiled in Mississippi because of rarity {6 to 20 occurrences or few remaining individuals or acres} or because of some factor(s) making it vulnerable to extirpation.”) / on the Species in Need of Management list.

REGULATIONS

“No commercial traffic is permitted in Species in Need of Management (purchase, sale, barter, etc.) unless the purchase is made from an individual or firm with a Mississippi Captive Propagation Permit issued by the Mississippi Department of Wildlife, Fisheries, and Parks. The permit allows capture of up to 16 animals from wild populations for breeding stock. Personal possession of up to for individuals of animals on the Species in Need of Management list by Mississippi residents if they possess a small game hunting and fishing license, and by non-residents in possession of an all-game hunting license.”

LOUISIANA

STATUS

Species of Special Concern/Game Animal

REGULATIONS

From Louisiana Department of Wildlife and Fisheries, Fishing Regulations, Reptile and Amphibian (Commercial):

“Any person engaged in the sale, barter or trade of native reptiles and amphibians collected in Louisiana must possess either a) Reptile and Amphibian Collector's License, or b) Reptile and Amphibian Wholesale/Retail Dealer's License.

Any person engaged in acquiring or handling, by any means, native reptiles or amphibians for resale, or engaged in the shipping or transporting of such reptiles or amphibians into or out of Louisiana must possess a Reptile and Amphibian Wholesale/Retail Dealer's License. Act 376 of the 1997 Louisiana Legislature exempts wholesale/retail dealers from this license.”

From Louisiana Department of Wildlife and Fisheries, Fishing Regulations, Reptile and Amphibian (Recreational):

“All residents and non-residents engaged in collecting non-protected reptiles and/or amphibians for non-commercial purposes (personal use as food, bait, etc.) must possess a Basic Resident or Nonresident Fishing License.

The following regulations apply for both Commercial and Recreational users:

Reptile and Amphibian regulations apply to lizards, snakes, turtles, frogs, salamanders and related species. *They do not include alligators.*

Removal of nesting or nest tending animals is prohibited.

Traps must be checked daily.

Turtle traps must be placed in a manner that leaves enough area above the waterline to allow trapped turtles to breath; be marked as "turtle trap", and be constructed as a horizontal, single-throated device.

Possession of finfish while turtle trapping is prohibited.

Use of gasoline to flush animals from hiding places is prohibited.

Natural cover such as stumps and logs may not be destroyed while searching for animals

Diamondback terrapins (*Malaclemys terrapin*) may not be taken by trap of any kind and may not be taken between April 15 and June 15. All terrapins taken must measure at least 6 inches in length on the plastron (bottom shell plate).

Turtle Eggs. No turtle eggs may be taken except for those of the red-eared slider (*Trachemys scripta*), wherever found.”

TEXAS

STATUS

No official listing. Formerly listed as Species of Special Concern but this designation no longer exists.

REGULATIONS

“No person in this state may possess more than ten specimens of a single kind of nongame wildlife or more than twenty-five specimens of nongame wildlife without a valid nongame collection or nongame dealer permit. A valid nongame collection permit is required to sell nongame wildlife. A valid nongame dealer permit is required to resell nongame wildlife. Nongame collection permits can be purchased from any vendor where hunting and fishing licenses are sold. Dealers must apply directly to the Wildlife Permits Section. Annual reporting requirements apply.

To sell or trade animals previously purchased by an individual requires a Nongame Dealer's Permit. A person buying animals for sale out-of-state or who buys animals out-of-state to sell in Texas should have a Nonresident Dealer's Permit. Sale of previously purchased animals without proper permits can result in a Lacey Act violation if state lines are crossed.

To sell or trade animals that an individual wild-caught or captive-bred, a Nongame Collection Permit is required. Any collection from the wild in Texas also requires a Texas hunting license.

Affected Species...Turtles...Texas diamondback terrapin (*Malaclemys terrapin littoralis*)”